

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,
Plaintiff,

v.

301 ADAMS STREET, QUINCY,
MASSACHUSETTS; 1548-1558
DORCHESTER AVENUE, DORCHESTER,
MASSACHUSETTS; FIVE (5) CERTAIN
PARCELS OF LAND WITH THE
BUILDINGS(S) THEREON IN BROCKTON
PLYMOUTH COUNTY, MASSACHUSETTS,
COMMONLY KNOWN AS 11 ROSSETER
STREET, 16 ROSSETER STREET,
213-223 NORTH MAIN STREET, 204
NORTH MONTELLO STREET, AND 227
NORTH MAIN STREET, INCLUDING ALL
APPURTENANCES AND IMPROVEMENTS
THEREON; \$67,561.88 IN UNITED
STATES CURRENCY; and \$26,776.42
IN UNITED STATES CURRENCY, SEIZED
FROM ASIAN AMERICAN BANK CHECKING
ACCOUNT NUMBER 310029269,
Defendants.

) **FILED EX PARTE AND UNDER SEAL**

) Civil Action No. 04-12582-RCL

FILED

MOTION TO AMEND
VERIFIED COMPLAINT FOR FORFEITURE IN REM

The United States, by and through its attorney, Michael J. Sullivan, United States Attorney for the District of Massachusetts, hereby moves, pursuant to Rule 15(a) of the Federal Rules of Civil Procedure, that this Court allow for the filing of the Amended Verified Complaint for Forfeiture in Rem submitted herewith. In support thereof, the United States sets forth the following:

1. On December 9, 2004, the United States of America filed a Verified Complaint for Forfeiture in Rem (the "Complaint")

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against the defendant properties described as:

- a. the real property and buildings located at 301 Adams Street, Quincy, Massachusetts, having a deed recorded at the Norfolk County Land Court as Document No. 1025853, noted on Certificate of Title No. 167544 ("301 Adams"), currently owned by Tina Le;
- b. the real property and buildings located at 1548-1558 Dorchester Avenue, Dorchester, Massachusetts, having a deed recorded at the Suffolk County Registry of Deeds at Book 32823, Page 262, ("1548 Dorchester"), currently owned by Tina Le; and
3. five (5) certain parcels of land with the buildings(s) thereon in Brockton, Plymouth County, Massachusetts, commonly known as 11 Rosseter Street, 16 Rosseter Street, 213-223 North Main Street, 204 North Montello Street, and 227 North Main Street, having a deed recorded at the Plymouth County Registry of Deeds, Book 29342, Page 298, ("204 North Montello"), currently owned by DL Group, L.L.C.,

alleging that they are subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C), and 18 U.S.C. § 981(a)(1)(A). See Verified Complaint for Forfeiture in Rem, ¶¶ 3 and 4.

2. In the meantime, on or about December 15, 2004, pursuant to search and seizure warrants issued by the District Court of Massachusetts (Magistrate Judge Robert B. Collings) in connection with the parallel criminal investigation described in the Affidavit of Brad Carpenter (attached to the Complaint) law enforcement officers seized the following property:

- a. \$67,561.88 in United States Currency¹, seized from 301 Adams on December 15, 2004 (the "Seized Currency"); and
- b. \$26,776.42 in United States Currency, seized from Asian American Bank Checking Account Number 310029269, held in the name of Tina Le on December 15, 2004 (the "9269 Account").

3. After the December 15, 2004 searches and seizures, the Federal Bureau of Investigation (the "FBI") began administrative forfeiture proceedings against the Seized Currency and the 9269 Account, including notifying all parties with any possible interest in the seized properties of the forfeiture proceedings.

4. On or about February 17, 2005, Andrew Feldman filed an administrative claim with the FBI to \$42,101.48 of the Seized Currency.

5. On or about March 7, 2005, Asian American Bank filed an administrative claim with the FBI to \$6,026.85 of the 9269 Account.

6. Pursuant to 19 U.S.C. §§ 1608 and 1610, the FBI, as the seizing agency, transmitted the administrative claims to the United States Attorney for the purpose of initiating a judicial

¹ The currency seized from 301 Adams included United States Currency, Canadian Currency, Singapore Currency, and Euros. All of the seized currency was converted into United States currency at the applicable exchange rate, and totaled \$67,561.88.

forfeiture action against the Seized Currency and the 9269 Account.

7. By this Motion, the United States seeks leave to amend Paragraph 3 of the Complaint to include the Seized Currency and the 9269 Account in this civil forfeiture action, and requests that the case caption be revised to reflect the addition of these two forfeitable assets.

8. As set forth in the Amended Affidavit of Brad Carpenter, attached to the government's proposed Amended Complaint for Forfeiture in Rem (the "Amended Complaint"), the same facts and circumstances form the basis for the seizure and/or forfeiture of 301 Adams, 1548 Dorchester, 204 North Montello, the Seized Currency and the 9269 Account.

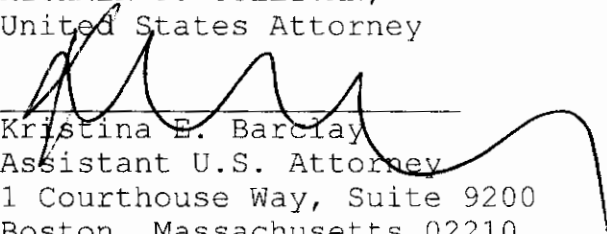
9. Rule 15(a) of the Federal Rules of Civil Procedure provides in relevant part that a "party may amend the party's pleading once as a matter of course at any time before a responsive pleading is served." No response to the Complaint has been served, and this is the first motion to amend the Complaint filed by the United States.

WHEREFORE, the United States respectfully moves this Court to allow the filing of the Amended Verified Complaint for Forfeiture in Rem.

Respectfully submitted,

MICHAEL J. SULLIVAN,
United States Attorney

By:



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Date: May 18, 2005